

# Managing Employees Under the New Contracts

Managers have always had the responsibility to discuss how business needs to get done and communicate their expectations to employees. That role is now more critical than ever before.

The new master agreements simply provide a framework that gives managers the flexibility to make necessary business decisions – it's up to managers to make and communicate those decisions.

Not only are managers responsible for knowing what options are available in the new contracts, but also they must understand how their agency and workgroup will use the new opportunities to improve service delivery.

State employees operate in extremely different work environments, from very scheduled institutional settings to more flexible field settings. These various business situations will each be uniquely impacted by the new contracts.

Managers will need to make different decisions, as they do today, to improve business, and must make sure that employees understand how the changes will impact them. Managers should work with supervisors and develop ways to keep employees informed of any changes.

Many opportunities are available to managers to attend training and information sessions on the new master agreements and new personnel environment. Managers are expected to familiarize themselves with the terms of the master agreements, making sure to ask questions and discuss issues with their human resources staff, labor relations staff and management team.

## Answering Employee Questions

Employees are bound to have questions as the state transitions to the new environment. Many questions will be specific to an employee's agency or workgroup. Managers will need to figure out what questions their employees are asking and work with their administration, human resources manager(s) and labor relations staff to answer those questions. Below is a list of high-level questions and answers employees may already be asking their managers.

### **How are the relationships among agencies, managers, employees and unions different?**

Agencies no longer are required to negotiate directly with unions. The Labor Relations Office will negotiate master agreements every two years with employee unions. Those negotiations serve as the opportunity for unions to bring forward the

## **Managing Employees Under the New Contracts**

concerns of the employees they represent. Master agreements will cover union-represented employees, replacing Merit System Rules in most areas. All past personnel practices will be eliminated July 1, allowing managers and employees to make a fresh start and establish a new employment relationship.

### **Can you describe the hiring and recruitment changes?**

Contracts increase the number and diversity of job candidates. More opportunities for applicants means increased competition, which improves the overall quality of a candidate pool. Every hiring will have the opportunity for 20 candidates made up of a mix of the best-qualified candidates, including people outside the state system.

Contracts also provide more flexibility to recruit based on actual skills and abilities needed to do a distinct job, instead of basing recruitment on a generic classification description. This helps better match employees to positions. A review period was created for RIF candidates so both the agency and the employee can “try out” a job placement without locking either the employee or agency into a poor match.

### **Have the rules governing work hours changed?**

Overtime and work hour rules are now closer to those in federal and state law. The changes should allow managers to adjust employee work schedules, allowing agencies to be more responsive to changing demands, without incurring substantial penalties. Overtime payments are closer to other private and public employers.

### **Will discipline practices be different?**

Yes. The state will come in line with public and private employers in using the “just cause standard.” Managers will be held to the same standard as other public and private employers to correct performance and take action on those who fail to perform. Disciplinary challenges are handled through the grievance process, eliminating complex investigation policies and processes. Only the union can file grievances, and the union must share in the expense of arbitration.

### **How does the new grievance process work?**

Grievances are defined as violations of the Master Agreement. Only the union can file grievances on behalf of employees. The narrow definition and union-filing requirement likely will reduce the number of frivolous grievances.

### **How will lay off decisions be determined?**

An employer may use seniority plus skills and abilities in determining which positions to layoff.

## **Managing Employees Under the New Contracts**

### **After an employee is laid off, how will the recall process work?**

Laid off employees will be recalled only within the agency that lays them off and on the basis of seniority plus skills and abilities. All recalled employees will serve a review period to ensure that an employee has been placed in the appropriate job.

### **Are union-represented employees members of a union by default?**

No. Employees may be in a bargaining unit and required to pay a fee for representation and not be a member. Employees in bargaining units can contact the union to find out more about fees and membership. Employees should contact the agency Human Resource manager to find out if they are a member of a bargaining unit represented by a union.

### **Do contracts apply to any Washington Management Service (WMS) employees?**

No. WMS employees have, in the past, been part of bargaining units. However, beginning July 1, 2005, the law exempts WMS employees from collective bargaining. That means that bargained contracts will not apply to WMS employees. WMS employees will not be able to belong to a bargaining unit, though they can elect (if they choose) to pay membership fees and hold union memberships. Regardless, they will not be covered by the contracts.

### **Do the agreements cover competitive contracting?**

The personnel reform law (RCW 41.06.140) allows contracting for services through a competitive process. The master agreements do not contain language narrowing the law. Agencies may use the law and procedures established by the Department of General Administration and the Department of Personnel to contract for services.

### **Where can employees go to see a copy of the master agreements?**

Though copies of master agreements should be available through each union (usually posted on their website), employees can also access them here: <http://www.ofm.wa.gov/labor/default.htm>.

### **Whom should employees contact with questions regarding their contract?**

If an employee is a member of a bargaining unit, questions regarding the terms of their master agreements should be directed to their union representative (terms vary depending on particular union affiliation). By law, it is the role of the union to handle employee contract concerns—the state and other employers may not interfere in this relationship.

## **For More Information**

Please direct questions and comments to your Human Resource office.